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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,415

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Christopher Frank McConnell

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EXAMINER

TRAN, PABLO N

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2618

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/529,415	<b>Applicant(s)</b> MCCONNELL ET AL.	
	<b>Examiner</b> Pablo N. Tran	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) 29-70 and 84-86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 71-83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I (claims 1-28 and 71-83) in the reply filed on 04/17/08 is acknowledged.
2. Claims 29-70 and 84-86 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II (claims 29-40 and 84-86) and Group III (claims 41-70) there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/17/08.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 71-83 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 71, the claimed subject matter, "The computer-readable medium" is directed to non-statutory subject matter.

### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 71-83 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 71, the claimed subject matter, "The computer-readable medium" was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art, at the time the application was filed.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1 and 71 recites the limitation "the user". There is insufficient antecedent basis for this limitation in the claim.

9. Claims 1-2 and 71-72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 71, the claimed limitation, "receiving an audio signal in the form of a request from the user" renders the claim indefinite. Is the computer or the remote device received the spoken command from the user? The Examiner will interpret as the remote device received the spoken command from the user and examine as such. Appropriate correction required.

Regarding claims 2 and 72, the claimed limitation, "wherein said establishing step is initiated by the computer" renders the claim indefinite. According to the specification [0059], such establishing a communication connection with a computer is initiated by the user by way of a cellular phone. Accordingly, the claims 2 and 72 have not been further treated on the merits. Appropriated correction required.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 3-4, 8, 12-17, 21-, 23-27, 71, 73-79, and 83 are rejected under 35 U.S.C. 102(b) as being anticipated by Yaker (US Pat No. 5,950,167).

As per claims 1 and 71, Yaker disclose a method for interacting with a computer (Fig. 2/no. 1) wherein establishing a communications connection between the computer and a remote communications device (Fig. 2/no. 21); receiving an audio signal in the form of a request from the user; processing the audio signal to determine a desired function; and determining whether the desired function requires a spoken response and, if so, providing a spoken response to the user by way of the remote communications device and, performing the desired function responsive to the audio signal (Fig. 5, col. 7/ln. 25-50).

As per claims 3 and 73, Yaker disclose wherein said establishing step is initiated by the user by way of the remote communications device signal (Fig. 5, col. 7/ln. 25-50).

As per claim 4, Yaker disclose a telephone communications link (Fig. 2).

As per claim 8, Yaker disclose a plurality of telecommunications networks (Fig. 2)

As per claims 12 and 74, Yaker disclose providing a spoken prompt to a user by way of the remote communications device (Fig. 5, col. 7/ln. 25-50).

As per claims 13 and 75, Yaker disclose providing a spoken prompt comprises selecting an output grammar; converting the output grammar to voice output; and transmitting the voice output to the user by way of the remote communications device (Fig. 5, col. 6/ln. 41-col. 7/ln. 50).

As per claims 14 and 76, Yaker disclose the audio signal is a spoken utterance (abstract).

As per claims 15 and 77, Yaker disclose wherein said processing step comprises comparing the spoken utterance to a plurality of grammars of possible spoken utterances; determining which of the grammars has been spoken by the user; and determining the desired function, wherein the desired function corresponds to the grammar (abstract, col. 6/ln. 41-col. 7/ln. 50).

As per claims 16 and 78, Yaker disclose wherein the plurality of grammars of possible spoken utterances is stored in a computer file (col. 6/ln. 41-col. 7/ln. 50).

As per claims 17, 27, and 79, Yaker disclose a spreadsheet (Fig. 2).

As per claims 21 and 26, Yaker disclose a database (Fig. 2).

As per claims 23 and 83, Yaker disclose wherein performing the desired function responsive to the audio signal comprises locating data according to the audio signal; and wherein providing the spoken response comprises converting the data to a spoken format and transmitting the spoken format by way of the communications connection (abstract, col. 6/ln. 41-col. 7/ln. 50).

As per claim 24, Yaker disclose wherein performing the desired function responsive to the audio signal comprises modifying stored data according to the audio signal (abstract, col. 6/ln. 41-col. 7/ln. 50).

As per claim 25, Yaker disclose receiving new data from the user and recording the new data in a file (abstract, col. 6/ln. 41-col. 7/ln. 50).

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5-7, 9-11, 18-20, 22, 28, and 80-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaker (US Pat No. 5,950,167).

As per claim 5 and 10-11, Yaker disclose such telephone communications link but not specifically a wireless communication link such as cellular or cordless. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention for Yaker to utilize such wireless communication to provide such flexibility and portability for the user.

As per claims 6-7 and 9, Yaker disclose such communication over the Internet Protocol connection but not specifically Voice over Internet Protocol connection by way of a Session Initiation Protocol telephone. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention for Yaker to utilize such wireless communication registration technique in order to reduce the amount of time spends unnecessarily processing messages.

As per claims 18-20 and 80-82, Yaker disclose such partitioning of the spreadsheet but not explicitly as claimed (spoken utterances from a first cell in the spreadsheet and the desired function from a second cell in the spreadsheet). However, such modification to the spreadsheet, as claimed, can be easily attained and modified. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention for Yaker to modify the spreadsheet as claimed in order for the user to easily track, maintain, and program the spoken commands and functions.

As per claims 22 and 28, Yaker does not disclose a scheduling program. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention for Yaker to utilize such scheduling program method in order to alert the user of any new messages.



***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status information for Published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directauspto.gov>. Should You have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

July 12, 2008

/Pablo N Tran/

Primary Examiner, Art Unit 2618